

**PLANNING BOARD MEETING MINUTES
TUESDAY, MARCH 15, 2005**

MEMBERS PRESENT: Jeremy Daly, Chair
Paula Caron
Jay Cruz
John DiPasquale
Mike Hurley
Dean Tran
Yvette Cooks (associate member)
Paul Fontaine, Jr. (associate member)

MEMBERS ABSENT Nancy Maynard

PLANNING OFFICE: Beth Rintala
Mike O'Hara

Call to Order

Meeting called to order at 6:02 p.m. in the Veterans' Room, First Floor, City Hall.

Communications

Request received from Atty. Klasnick representing Verizon Wireless requesting that Verizon's Special Permit application for a new wireless communications tower off Franklin Road be allowed to be withdrawn without prejudice. The Board agreed to allow special permit application to be withdrawn without prejudice.

Notice received from City Clerk that City Council passed petition "... To receive written opinions from the Water Dept., the Planning Dept., and the Conservation Commission before taking any action pertaining to acquiring or choosing not to acquire through the "right of first refusal" any property adjacent to city reservoirs." (Chapter 61, 61A land)

Board informed that we have received a \$10,000 bond from Bay Communication, for completion of wireless facility access road at end of Wanoosnoc Road.

Brickyard subdivision sold to "Brickyard Investments LLC". Will have pre-construction meeting before starting work on the subdivision.

Meeting Minutes

Motion made and seconded to approve minutes of the February 15th meeting.
Vote unanimous to approve.

ANR plans

The Board reviewed the following "ANR" plans:

South Street, Cauley

Existing parcel to be split into conforming lot; 5 acre remainder (back land) to be combined with adjacent parcel at 645 South Street (Garden Center)

Traditional Concepts, Inc., Theresa/Legros St

800 sq. ft. portion of lot at 186 Legros to be conveyed to adjacent lot at 136 Theresa Street. Applicant had rec'd Variance to reduce lot to make more nonconforming (6,174 sq. ft.)

Horseshoe Park Drive, Unitil

Unitil splitting off portion of Lots 3 & 4 (owned by Gallo Saturn dealership) and a 20-foot portion of Lot 2 to provide access to Horseshoe Park Drive.

Minor Site Plan Review

Chamber of Commerce, South St. (site plan revision)

No one in attendance

Robichaud, 1109 Main St., retail sales

Atty. John Bowen representing applicant Yvon Robichaud, Jr.

Robichaud will run variety store. Lease for property submitted to Board. He has option to buy this and adjacent parcel (former auto parts). Plans for adjacent lot will be submitted separately.

Parcel has two curb cuts, applicant plans on using only one. Applicant will do landscaping. Existing sign to be removed, will put one new sign on building. No open food will be sold/served. Will not be subleasing. Parking area will be re-striped as shown on submitted plan. Employees will not use parking area on plan. Building is A.D.A. accessible.

Hearing closed.

Motion made by P. Caron & seconded by J. Cruz to approve Site Plan with conditions:

- Applicant to install and maintain landscaping strip along Chestnut St. side of property.
- On-site dumpster to be maintained, screened and placed on westerly side of building.
- Old sign to be removed and replaced by one sign on building to meet all applicable laws.
- Any and all signs, including advertisements to comply with Zoning Ordinance on signage. No extraneous signs allowed on-site structures, including on the building and/or freestanding signs, unless permitted by the Zoning Ordinance.
- No open food will be sold or served.
- Parking area will be striped in accordance with submitted plan, along with designated Handicapped parking to comply with A.D.A. requirements.
- No subleasing permitted.
- Employees will not use parking area as shown on plan.

Seney, Culley St. (cont'd)

Questions on parking addressed, fence addressed.

No access from Brier Street. Drainage flows addressed.

Seney would like garage door in front - Board: no

Double check w/ Bldg. Commissioner on parking and what type vehicles are allowed.

Seney - no heavy vehicles will be stored.

Motion made & seconded to approve site plan w/ conditions:

- No garage doors in front.
- 3 garage doors on one side, 2 on other.
- No parking to be obstructed.
- On-site landscaping and fencing to be installed & maintained according to site plan.

Vote unanimous.

PUBLIC HEARINGS

Proposed Zoning amendments:

- 1) increase lot size & lot frontage in Watershed Protection Overlay district
- 2) six-month moratorium on new septic systems in Watershed Protection Overlay district

Members present & voting: Caron, Cruz, Daly, DiPasquale, Hurley, Tran

Hearing opened 6:55 p.m.

Councillor Kaddy: Sponsored petition -- has changed his thinking on this several times after discussing with citizens. Development in the watershed protection district should be less dense. 780 acres are unprotected. There is lots of land outside of watershed that's available for development.

Councilor Hay: Supports protecting water supply.

Councilor Romano: Watershed restrictions could be tightened up concerning possible uses permitted. Increasing lot size not necessarily good -- larger houses, more impervious area, larger lawns w/ fertilizer, etc. He's concerned about effect of proposed restrictions on value of property. Proposed lot size rule exceeds DEP requirement for septic systems (40,000 sq. ft.)

Tom Starr, Conservation Commission: Referred to City's 1993 Watershed Protection Study. Protection water supply should be highest priority for city. Suggested City can either acquire land or restrict by ordinance. Restrictions have not been done. Large areas in northern part of city privately owned. We should make it difficult to develop in watershed.

Mr. Daly: why increase lot size - what is advantage?

Mr. Starr: over development in our watershed does not make sense.

Mr. Hurley: if PUDs are still allowed in watershed, increased lot size wouldn't matter -- this should be looked at.

Mr. Fontaine, Jr.: Questions the need to do this? How do we know 65,000 sq. ft. isn't doing the job? Increasing the three acres would drastically reduce property values.

Mr. DiPasquale: what is the % of watershed land owned by C. of F.?

Paul Fontaine, Sr.: is an appraiser R.E. agent, FRA member. We need to protect water supply - that is not in dispute. But questions about private property rights should be addressed. Water Dept. should have had a plan for acquisition parcels necessary for protection of water supply. Proposed restrictions would amount to a taking without compensation. City should pay for loss of rights of property owner. Growth is good for City. Planning Board should make recommend against this to City council.

Mr. Donnelly: We should not overlook what city has already done to protect the watershed. Should continue to protect the "green" on the watershed map. Larger lots may lead to higher value lots.

Atty. G. Watts: concerned as individual - owns Lot 13A Tibbett Circle - is a conforming lot now. Increasing lot size & frontage in watershed district will make his lot non-conforming. Would need to get further approvals if he wanted to add onto house, etc. Suggested that the proposed amendment include "Except for property served by public sewer ..."

Ms. Cooks: wouldn't lot would be grandfathered?

Mr. Fontaine, Jr.: lot would be grandfathered if built on.

Dave Nickless, 699 Arn-How Farm Rd.: Supports amendment in principle. Feels we should do more. Development is rampant, too much growth approved recently. City should have a local wetland by-law. Increasing lot size will reduce development pressure. Larger lots won't be all lawns & fertilizer.

Mr. Fontaine, Jr.: Adoption of the petition would not affect him personally. Is interested in best interest of the city.

Phil Madonia, 1667 Rindge Rd.: Has 3.5 ac. lot. Should protect watershed, but asking that consideration be given to smaller property owners. Help individuals to feel less \$\$ impact thru compensation. There should be sewer on Rindge Rd.

Pam George, 810 Ashby West Rd.: Has 29 acres, her nest egg. Always wanted to have option to split off couple extra lots for kids.

Kris Specht: Supports proposal. Must protect water supply. Owns parcel on Caswell Road, plans on building on it some day. Will affect her. May have to ask for relief in future. If allow water supply to be contaminated, taxes would soar.

Steve Soini, 461 Caswell Rd. is against it. Would reduce his property value in half.

Mr. Daly: Questions rationale for increase in frontage & lot size. Seems arbitrary. Is concerned about land taking -- Should there be another study?

Mr. Starr: Not another study. Purpose of amendment is to allow fewer house lots in watershed district.

Mr. Daly: Board need to gather more info.

Ms. Caron: need to look at various methods to protect water supply. Board won't decide hastily, Board will have thoughtful discussion.

Ms. George (daughter), Ashby West Rd: OK on increased lot size, but concerned with increasing frontage reqm't. If frontage increased to 300 feet it would make her future lot closer to wetlands.

Louis Hohos, 1020 Ashby West Rd: 300-foot frontage requirement seems arbitrary. He is against proposed amendment. Master Plan suggested purchasing Watershed land.

Mike McLaughlin, ZBA: City has always had a vision to protect our water supply.

If the zoning changes, grandfathering lasts 5 years from the time of the zoning change.

If lots are nonconforming, one can add on, etc. as long as setbacks are met. Creation of rear lots is still possibility. We need development, but not at cost to our children.

Atty. Watts: represents client, Jon Conner, who owns large watershed parcel (Map 78R-24-0). Wants to go on record that property owner objects to increased lot sizes.

Mr. Kaddy: People would still have the right to go to ZBA. Now is time to act about issue of watershed protection.

After discussion, consensus of Board:

- Public Hearing continued to April 26th Planning Board meeting.
- Property owners in southern portion of watershed protection district should be notified.
- Ask Water Dept. -- Is there a plan for acquisition of parcels, or selling water to neighboring towns?
- Ask City Solicitor -- can Zoning Ordinance regulate septic systems via six-month moratorium.
- Request City Council to continue their hearing scheduled for 4/5/05. Planning Board has not completed hearing -- need more time to consider the issue.
- Generate list of lots in the Watershed Protection areas that would be affected by the proposed zoning change

Hearing continued to April 26th

Special Permit - Groop-Townview Towers, Assisted Living Facility, 16 Prichard St.

Steve Gardiner of Centerpoint, Bob Hill, Fitchburg Housing Authority, Katherine Robinson, BSA architects, Margaret Woovis present.

Mr. Gardiner: PowerPoint presentation of plans -- No assisted living facility in Fitchburg currently. Hard to build new facility because too costly - they're getting "free" building & converting housing authority building. Tower was built 1969. Assisted Living Facility intended for elderly who are poorest, frailest & most needy.

Mass Development is issuing tax exempt bonds for project. Most important aspect of assisted living is sociability, not health care, meals, etc. CenterPoint proposes to enhance building and increase aesthetics, create loading dock off Pleasant St., enhance and enclosed Crescent St. park for safety reasons. The units will be 1-BR. Construction planned to start Sept '05 -- will take one year.

Second story addition for expanded dining room will come out to the retaining wall at the side property line. Abutter to that (north) side has contacted Bob Hill. She did not state any objections. They have not yet negotiated a specific number of spaces at the parking garage. Majority of residents will not have cars, but a few will. There will be no compromise on quality of care. Fitchburg seniors will have priority for units.

Hearing closed.

Motion made & seconded to approve Special Permit for Assisted Living Facility, subject to submittal of written agreement on provision of off-site parking. Vote 7-0 to approve.

Special Permit - Nextel, co-locate wireless communications facility, Wanoosnoc Rd.

Carey Diehl, of Bay Communications (tower owner), Andrew Pearsall & Tom Flynn of Nextel present. Have added swale to tower access road. Posted \$10,000 bond on work. Will patch road over culvert. Keith Dooling, Wanoosnoc Road - 59,000(?) lb. crane recently went over culvert & caused damage. Diehl - Bay Communications has told carriers that vehicles in excess 2 tons must plate the culvert before going over it with a crane. Culvert is very old. DPW Commissioner said plating was sufficient. Verizon got building permit for their wireless installation last week. Special Permit for tower itself will be up for renewal in spring '06.

Discussion of what to do about culvert.

Mr. Daly: Verizon has special permit to locate on tower. Board can conditions this (Nextel) Special Permit to safeguard integrity of bridge during their adding equipment to tower.

Tom Flynn, Nextel, prefab shelter to be installed - will use crane.

Mr. Cruz: Bay Communications should fix problem with culvert.

Mr. Hurley: Wanted Bay Communications to double plate span over culvert, weld together & then fix bridge in the meantime, while work on tower proceeded.

Mr. Daly: Verizon can locate on tower, they already have Special Permit.

Mr. Flynn: Suggests that when tower's Special Permit is up for renewal, owner of tower should fix bridge.

Public Hearing closed.

Motion made (Yvette) & seconded (Paula) to approve Special Permit to Nextel with conditions:

- Bay Communications shall be responsible for paying for an engineered design of a plate over culvert sufficient to carry weight load of crane.
- Bay Communications shall be responsible for installing the plate.
- Bay Communications to pay for engineering assessment of culvert prior to during & after crane crosses the culvert.
- No building permit issued to Nextel until plate over culvert is designed & installed.

- Bay Communications shall pay for independent engineer to design repair of bridge & culvert sufficient to carry weight of normal traffic, subject to approval of DPW. Bridge repair to be completed within six months of issuance of Nextel's Special Permit.
- Performance bond to be posted for the value of the bridge repair.

Vote 6-1 to grant Special Permit to Nextel.

Site Plan Review - Ron Bouchard, 347-349 Lunenburg St., expansion

Chris Deloge, Whitman & Bingham Assocs. and John Levesque presented plan for proposed expansion of building used for reconditioning autos. 19 parking spaces, including handicapped provided.

Motion made & seconded to approve Site Plan as submitted. Vote unanimous.

OTHER BUSINESS

Special Permit renewal - Premier Box, 245 River St.

Atty. Seine representing Algen, LLC requesting renewal of Special Permit approved at previous meeting be amended to include the current applicant -- Orswell Mills Realty Trust (Algen, LLC). Motion made & seconded to amend Special Permit decision to include Orswell Mills Realty Trust. Vote unanimous.

Arden Mills PUD - proposed revisions

Chris Deloge, Dick Madonia, Architect (O'Connell?) presented revised plans.

Site plan reduces by one building -- purpose: to open up center of site. The 36 units in that building have been split between two other buildings. Same # units (204). Height of buildings does not change. Top floor of building on the footprint of former mill building is mansard roof, as was former mill building on the site (photo). Parking will be two spaces per unit.

Motion made & seconded to make determination that changes presented were a "minor change" and that no public hearing would be required. Vote 5-0 in favor of determining that it was a "minor change". A full set of more detailed site plans would still need to be submitted, reviewed by departments and approved by Planning Board at a public meeting.

Motion made & seconded to adjourn the meeting. Vote unanimous.

Meeting adjourned: 10:27 p.m.

Next meeting: APRIL 26, 2005 **NOTE: ONE WEEK LATER THAN USUAL DATE**

Approved: April 26, 2005